

Exhibit 9

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION
CHASOM BROWN,
Plaintiff, Case No.
vs.
4:20-cv-03664-YGR-SVK
GOOGLE LLC,
Defendant.

CONFIDENTIAL
VOLUME II
CONTINUED ZOOM VIDEOTAPED DEPOSITION OF
JONATHAN HOCHMAN
July 21, 2022
10:09 a.m.

TAKEN BY:
JOSEF ANSORGE, ESQ.
ATTORNEY FOR DEFENDANT

REPORTED BY:
BELLE VIVIENNE, RPR, CRR, NJ-CRR,
WA/CO/NM-CCR
NATIONALLY CERTIFIED REALTIME
COURT REPORTER
VERITEXT LEGAL SOLUTIONS
JOB NO. 5312353
866.299.5127

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<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 MARK MAO</p> <p>4 BOIES SCHILLER FLEXNER LLP</p> <p>5 44 Montgomery Street, 41st Floor</p> <p>6 San Francisco, California 94104</p> <p>7 415.293.6800</p> <p>8 mmao@bsflp.com</p> <p>9 RYAN MCGEE</p> <p>10 MORGAN & MORGAN</p> <p>11 201 North Franklin Street</p> <p>12 7th Floor</p> <p>13 Tampa, Florida 33602</p> <p>14 813.223.0931</p> <p>15 rmcgee@forthepeople.com</p> <p>16 ALEXANDER FRAWLEY</p> <p>17 IAN CROSBY</p> <p>18 SUSMAN GODFREY</p> <p>19 1301 Avenue of the Americas</p> <p>20 32nd Floor</p> <p>21 New York, New York 10019</p> <p>22 Afrawley@susmangodfrey.com</p> <p>23 COUNSEL FOR PLAINTIFF IN CALHOUN MATTER:</p> <p>24 ADAM PROM</p> <p>25 DICELLO LEVITT & GUTZLER</p> <p>10 North Dearborn Street, Sixth Floor</p> <p>Chicago, Illinois 60602</p> <p>312.214.7900</p> <p>aprom@dicellolevitt.com</p> <p>COUNSEL FOR DEFENDANT:</p> <p>JOSEF ANSORGE</p> <p>JOHN WILSON, IV</p> <p>QUINN EMANUEL URQUHART & SULLIVAN LLP</p> <p>51 Madison Avenue</p> <p>New York, New York 10010</p> <p>josefansorge@quinnemanuel.com</p> <p>CARL SPILLY</p> <p>QUINN EMANUEL URQUHART & SULLIVAN, LLP</p> <p>1300 I Street, NW, Suite 900</p> <p>Washington, D.C. 20005</p> <p>202.538.8277</p> <p>carlspilly@quinnemanuel.com</p> <p>Page 366</p>	<p>1 - - -</p> <p>2 I N D E X</p> <p>3 - - -</p> <p>4 Testimony of:</p> <p>5 JONATHAN HOCHMAN</p> <p>6 MR. ANSORGE..... 372</p> <p>7</p> <p>8 - - -</p> <p>9 E X H I B I T S</p> <p>10 - - -</p> <p>11 NO. DESCRIPTION PAGE</p> <p>12 Exhibit 17 Appendix F.....374</p> <p>13 Exhibit 18 Dr. Glen Bernston's</p> <p>14 deposition.....379</p> <p>15 Exhibit 19 Excerpt from Glen</p> <p>16 Berston's deposition.....384</p> <p>17 Exhibit 20 Two-page policy document...414</p> <p>18 Exhibit 21 Log Data Usage Rules.....439</p> <p>19 Exhibit 22 Article entitled Privacy</p> <p>20 Threats in Intimate</p> <p>21 Relationships.....496</p> <p>22 Exhibit 24 Understanding Dual</p> <p>23 Stacking of IPv4 and Piv6</p> <p>24 Unicast Addresses.....503</p> <p>25</p> <p>Page 368</p>
<p>1 APPEARANCES: (Continued)</p> <p>2 CRYSTAL NIX-HINES</p> <p>3 QUINN EMANUEL URQUHART & SULLIVAN LLP</p> <p>4 865 South Figueroa Street, 10th Floor</p> <p>5 Los Angeles, California 90017</p> <p>6 crystalnixhines@quinnemanuel.com</p> <p>7 VIDEOGRAPHER:</p> <p>8 Sean Grant</p> <p>9 ALSO PRESENT:</p> <p>10 Konstantinos Psounis, Ph.D.</p> <p>11 Julie Burns</p> <p>12 John Wilson, IV - Quinn Emanuel</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 367</p>	<p>1 - - -</p> <p>2 E X H I B I T S (Continued.)</p> <p>3 - - -</p> <p>4 NO. DESCRIPTION PAGE</p> <p>5 Exhibit 25 Ad Personalization</p> <p>6 Settings.....512</p> <p>7 Exhibit 26 Expert Report of</p> <p>8 Konstantinos Psounis.....520</p> <p>9 Exhibit 29 Document Bates numbered</p> <p>10 GOOG-BRWN-00630517.....558</p> <p>11 Exhibit 30 Document Bates numbered</p> <p>12 GOOG-CABR03923580.....561</p> <p>13 Exhibit 31 Document Bates numbered</p> <p>14 GOOG-CABR-00894408.....567</p> <p>15 Exhibit 32 PII document.....568</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 369</p>

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<p>1 Policy is nice. It's nice to 12:04:10</p> <p>2 have a policy to -- to say that you're 12:04:12</p> <p>3 doing the right thing. I don't know what 12:04:15</p> <p>4 exemptions exist. I don't know how 12:04:16</p> <p>5 closely this policy's been followed in 12:04:18</p> <p>6 practice, and the policy can't control for 12:04:22</p> <p>7 things like legal risk, data breaches. As 12:04:27</p> <p>8 I said before, there's -- there's a great 12:04:31</p> <p>9 danger in logging sensitive data. 12:04:34</p> <p>10 Q. Mr. Hochman, in reaching the 12:04:39</p> <p>11 conclusions that you have proffered in 12:04:41</p> <p>12 this case, did you investigate which 12:04:43</p> <p>13 internal Google policies have been in 12:04:47</p> <p>14 place over the course of the class period? 12:04:49</p> <p>15 A. I think I alluded to this in a 12:04:53</p> <p>16 prior answer, so I'll point to that and 12:04:55</p> <p>17 add, for security and privacy, as a 12:04:58</p> <p>18 computer scientist -- I'm not a 12:05:04</p> <p>19 sociologist. I'm not an expert on 12:05:08</p> <p>20 business management. I'm talking about 12:05:10</p> <p>21 data security and privacy. 12:05:12</p> <p>22 And from that standpoint, it's a 12:05:14</p> <p>23 question of what could be done with things 12:05:16</p> <p>24 the way they are stored and the way 12:05:18</p> <p>25 they're retained. Policy is all fine and 12:05:20</p> <p style="text-align: right;">Page 446</p>	<p>1 talking about the "Re-Identifying logs 12:06:52</p> <p>2 data" section. And let me know if -- when 12:06:55</p> <p>3 you're there. And in particular, the 12:06:58</p> <p>4 first bullet that I read out earlier in 12:07:00</p> <p>5 red that begins with "you must not 12:07:03</p> <p>6 re-identify." 12:07:06</p> <p>7 Do you see that? 12:07:06</p> <p>8 A. Yes, I do see that Google 12:07:09</p> <p>9 recognizes the danger of reidentification. 12:07:11</p> <p>10 Q. And my question to you, 12:07:14</p> <p>11 Mr. Hochman, is what is reidentify? 12:07:17</p> <p>12 A. Reidentify. So I'll give you a 12:07:24</p> <p>13 quick summary of it. If you have a record 12:07:26</p> <p>14 that looks like it's anonymous data, 12:07:28</p> <p>15 reidentifying means figuring out 12:07:31</p> <p>16 specifically who that data is associated 12:07:34</p> <p>17 with or what entity that data is 12:07:37</p> <p>18 associated with. 12:07:38</p> <p>19 Q. Would taking logged-out private 12:07:42</p> <p>20 browsing data at issue in this case and 12:07:46</p> <p>21 then using that to reidentify individuals 12:07:49</p> <p>22 who may have been associated with the 12:07:53</p> <p>23 browsing be reidentification in your 12:07:55</p> <p>24 opinion? 12:08:01</p> <p>25 MR. MAO: Objection to the form 12:08:02</p> <p style="text-align: right;">Page 448</p>
<p>1 good, but there have been a huge number of 12:05:24</p> <p>2 examples where policy isn't followed by 12:05:30</p> <p>3 either an internal actor or an external 12:05:32</p> <p>4 actor. There are an enormous number of 12:05:35</p> <p>5 data breaches. Very embarrassing to large 12:05:37</p> <p>6 companies and it's sort of only a matter 12:05:39</p> <p>7 of time until all this data gets stolen 12:05:41</p> <p>8 and exploited by someone hostile. 12:05:43</p> <p>9 Q. Well, Mr. Hochman, is it fair to 12:05:51</p> <p>10 say that what Google's internal policy is 12:05:54</p> <p>11 has no bearing on the conclusions that 12:05:56</p> <p>12 you've reached in this case? 12:06:00</p> <p>13 A. I am not, off the top of my 12:06:03</p> <p>14 head, thinking of an opinion I gave which 12:06:06</p> <p>15 talks about policy. I'm talking about 12:06:09</p> <p>16 what Google is doing versus what they've 12:06:15</p> <p>17 told people they're doing. And I've also, 12:06:18</p> <p>18 I think, highlighted some of the ways that 12:06:25</p> <p>19 the data can be joined together. 12:06:27</p> <p>20 And the fact that Google says 12:06:30</p> <p>21 "don't join the data together," that's all 12:06:32</p> <p>22 nice, but that's not -- that's not 12:06:35</p> <p>23 security. That's just policy. 12:06:40</p> <p>24 Q. Turn back to the page ending 12:06:47</p> <p>25 with the Bates designation 006. We were 12:06:49</p> <p style="text-align: right;">Page 447</p>	<p>1 of the question. 12:08:03</p> <p>2 Please, go ahead. 12:08:04</p> <p>3 A. Sure. If you take some 12:08:05</p> <p>4 logged-out browsing data and you figure 12:08:07</p> <p>5 out, for example, the GAIA ID of that 12:08:10</p> <p>6 person, or you -- you take the -- the IP 12:08:15</p> <p>7 address and user agent, which essentially 12:08:20</p> <p>8 is identifying, and you -- you track down 12:08:22</p> <p>9 the person, I think if you've identified 12:08:25</p> <p>10 someone based on an otherwise anonymous 12:08:32</p> <p>11 record, it's reidentification. 12:08:35</p> <p>12 Now, that raises sort of a 12:08:37</p> <p>13 philosophical question. If Google is 12:08:39</p> <p>14 logging this private browsing activity 12:08:41</p> <p>15 with the user agent and the IP address, 12:08:45</p> <p>16 then it's arguable that that's not really 12:08:51</p> <p>17 an anonymous record because it's already 12:08:53</p> <p>18 identified by that data. 12:08:56</p> <p>19 BY MR. ANSORGE:: 12:08:56</p> <p>20 Q. Let's turn to the second 12:09:02</p> <p>21 sentence, where it says "If a log does not 12:09:03</p> <p>22 include GAIA IDs or similar authenticated 12:09:05</p> <p>23 Personally Identifiable Information, you 12:09:10</p> <p>24 must not re-identify the log records in 12:09:14</p> <p>25 any way." 12:09:17</p> <p style="text-align: right;">Page 449</p>

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<p>1 Did I read that out correctly? 12:09:17</p> <p>2 A. Just a second. So this is -- 12:09:20</p> <p>3 this is a very carefully crafted sentence 12:09:28</p> <p>4 here with some gymnastics in it because it 12:09:31</p> <p>5 talks about -- in limitations, it talks 12:09:34</p> <p>6 about a log that does not include GAIA 12:09:35</p> <p>7 IDs -- I'm sorry. I'm going too far. 12:09:39</p> <p>8 Yes, I think you read it 12:09:44</p> <p>9 correctly. 12:09:45</p> <p>10 Q. I believe yesterday you 12:09:45</p> <p>11 testified that the data at issue in this 12:09:46</p> <p>12 case is stored in B logs, but that it 12:09:48</p> <p>13 could be joined with P logs. 12:09:52</p> <p>14 Do you recall that? 12:09:54</p> <p>15 A. I think I said something to that 12:09:55</p> <p>16 effect. Whatever I said is -- is on the 12:09:57</p> <p>17 record, and that's my answer again. 12:10:00</p> <p>18 Q. So does a B log contain GAIA 12:10:07</p> <p>19 IDs? 12:10:11</p> <p>20 A. B log is a Biscotti log. I 12:10:14</p> <p>21 don't recall instances of B logs 12:10:19</p> <p>22 containing GAIA IDs, although I do know 12:10:22</p> <p>23 that GAIA logs, which are P logs, may 12:10:25</p> <p>24 contain sort of blinded Biscotti IDs or 12:10:30</p> <p>25 encrypted Biscotti IDs. 12:10:38</p> <p style="text-align: right;">Page 450</p>	<p>1 not fingerprint users for the purpose of 12:11:45</p> <p>2 associating a user's activity over time or 12:11:47</p> <p>3 across contexts ("tracking") or 12:11:51</p> <p>4 reidentifying them when you do not have 12:11:55</p> <p>5 access to actual identifiers such as 12:11:59</p> <p>6 cookies or GAIA IDs." 12:12:02</p> <p>7 Do you see that? 12:12:07</p> <p>8 A. I do see that. 12:12:07</p> <p>9 Q. And what's your understanding of 12:12:08</p> <p>10 cookies and GAIA IDs that are being 12:12:11</p> <p>11 referred to here? 12:12:16</p> <p>12 A. Cookies are cookies, and the 12:12:18</p> <p>13 GAIA ID is the logged-in user ID. And my 12:12:20</p> <p>14 understanding of the sentence is that 12:12:24</p> <p>15 fingerprinting would then be allowed if 12:12:26</p> <p>16 you have access to these actual 12:12:28</p> <p>17 identifiers. 12:12:30</p> <p>18 Q. So your understanding of this 12:12:32</p> <p>19 policy is that if a person has access to 12:12:34</p> <p>20 GAIA ID, then they're permitted to 12:12:41</p> <p>21 fingerprint them for reidentification? 12:12:44</p> <p>22 A. That's one scenario where it's 12:12:47</p> <p>23 permitted. Another scenario is when 12:12:48</p> <p>24 there -- they have access to actual 12:12:51</p> <p>25 identifiers such as cookies. And I don't 12:12:54</p> <p style="text-align: right;">Page 452</p>
<p>1 And I think we are going to have 12:10:41</p> <p>2 to be really careful when we review this 12:10:42</p> <p>3 transcript because "B" and "P" sound very 12:10:45</p> <p>4 similar. 12:10:47</p> <p>5 Q. Turn to the next bullet below 12:10:47</p> <p>6 where it states "You must not correlate 12:10:49</p> <p>7 authenticated and non-authenticated 12:10:51</p> <p>8 information." 12:10:52</p> <p>9 What's your understanding of 12:10:52</p> <p>10 nonauthenticated information, Mr. Hochman? 12:10:56</p> <p>11 A. My understanding of that is 12:10:58</p> <p>12 logged out. 12:11:00</p> <p>13 Q. So would the data at issue in 12:11:03</p> <p>14 this case in the private browsing data 12:11:07</p> <p>15 when users do not log in during the 12:11:11</p> <p>16 private browsing session be authenticated 12:11:13</p> <p>17 or unauthenticated information? 12:11:16</p> <p>18 MR. MAO: Objection, asked and 12:11:18</p> <p>19 answered. 12:11:19</p> <p>20 A. So if the user is not logged in, 12:11:24</p> <p>21 I -- I understand unauthenticated to mean 12:11:28</p> <p>22 not logged in at that moment. 12:11:35</p> <p>23 BY MR. ANSORGE:: 12:11:41</p> <p>24 Q. If you turn to the third bullet, 12:11:42</p> <p>25 please. You see where it says "You must 12:11:43</p> <p style="text-align: right;">Page 451</p>	<p>1 see any limitation placed on cookies in 12:12:57</p> <p>2 this sentence. 12:13:00</p> <p>3 So I'm aware that there are 12:13:01</p> <p>4 logged-out cookies like Biscotti and 12:13:03</p> <p>5 Zwieback. 12:13:06</p> <p>6 Q. I think we can put this exhibit 12:13:08</p> <p>7 to the side for now. Thank you, 12:13:16</p> <p>8 Mr. Hochman. 12:13:18</p> <p>9 A. Okay. 12:13:24</p> <p>10 Q. You can turn to Exhibit 1, which 12:13:25</p> <p>11 is your opening report at page 94, 12:13:28</p> <p>12 paragraph 226. And let me know once 12:13:33</p> <p>13 you're there. 12:13:35</p> <p>14 MR. MAO: Sorry, quick 12:13:40</p> <p>15 procedural question. Are we taking 12:13:41</p> <p>16 suggestion from your team that we put 12:13:44</p> <p>17 Exhibit 1 into this deposition? 12:13:46</p> <p>18 MR. ANSORGE: Can we go off the 12:13:51</p> <p>19 record to work it out? I believe the 12:13:52</p> <p>20 court reporter had an opinion on it 12:13:53</p> <p>21 too. 12:13:55</p> <p>22 MR. MAO: Oh, okay. 12:13:56</p> <p>23 THE VIDEOGRAPHER: Do you want 12:13:59</p> <p>24 to go off, Counsel? 12:13:59</p> <p>25 MR. MAO: Sure. 12:14:01</p> <p style="text-align: right;">Page 453</p>

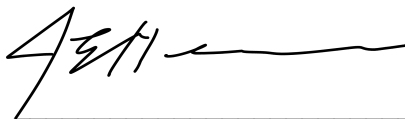
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1 4:16 p.m. Thank you. 16:16:51	1 JONATHAN HOCHMAN
2 MR. MAO: Can I get an expedited 16:16:55	2 jonathan@hochmanconsultants.com
3 copy? 16:16:57	3 July 26, 2022
4 THE COURT REPORTER: And a 16:17:06	4 RE: BROWN VS. GOOGLE LLC
5 rough? 16:17:06	5 JULY 21, 2022, JONATHAN HOCHMAN, VOLUME II, JOB NO. 5312353
6 MR. MAO: Yes, please. 16:17:06	6 The above-referenced transcript has been
7 (Time noted: 4:16 p.m.)	7 completed by Veritext Legal Solutions and
8	8 review of the transcript is being handled as follows:
9	9 ___ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext
10 JONATHAN HOCHMAN	10 to schedule a time to review the original transcript at
11	11 a Veritext office.
12 Subscribed and sworn to	12 ___ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF
13 before me this _____	13 Transcript - The witness should review the transcript and
14 day of _____ 2022.	14 make any necessary corrections on the errata pages included
15 Notary Public	15 below, notating the page and line number of the corrections.
16	16 The witness should then sign and date the errata and penalty
17	17 of perjury pages and return the completed pages to all
18	18 appearing counsel within the period of time determined at
19	19 the deposition or provided by the Code of Civil Procedure.
20	20 ___ Waiving the CA Code of Civil Procedure per Stipulation of
21	21 Counsel - Original transcript to be released for signature
22	22 as determined at the deposition.
23	23 ___ Signature Waived – Reading & Signature was waived at the
24	24 time of the deposition.
25	25
Page 614	Page 616
1 CERTIFICATION	1 ___X_Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF
2	2 Transcript - The witness should review the transcript and
3 I, BELLE VIVIENNE, a Nationally	3 make any necessary corrections on the errata pages included
4 Certified Realtime Reporter, do hereby	4 below, notating the page and line number of the corrections.
5 certify:	5 The witness should then sign and date the errata and penalty
6 That the witness whose testimony as	6 of perjury pages and return the completed pages to all
7 herein set forth, was duly sworn by me;	7 appearing counsel within the period of time determined at
8 and that the within transcript is a true	8 the deposition or provided by the Federal Rules.
9 record of the testimony given by said	9 ___ Federal R&S Not Requested - Reading & Signature was not
10 witness.	10 requested before the completion of the deposition.
11 I further certify that I am not	11
12 related to any of the parties to this	12
13 action by blood or marriage, and that I am	13
14 in no way interested in the outcome of	14
15 this matter.	15
16 IN WITNESS WHEREOF, I have hereunto	16
17 set my hand this 26th day of July 2022.	17
18	18
19 <i>Belle Vivienne</i>	19
20 BELLE VIVIENNE, CKR, CCR, RPR	20
21	21
22 * * *	22
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Page 615	Page 617

Deposition Errata
Case: *Brown, et al. v. Google LLC*
Deponent: Jonathan Hochman
Date of Deposition: July 20-21, 2022

I, Jonathan Hochman, hereby certify that I have read the transcript of my testimony taken under oath in my deposition on the 20th and 21st days of July 2022; that the transcript is a true, complete record of my testimony and that the answers on the record as given by me are true and correct, with the following exceptions:

Pg. and Ln.	Should Read	Reason
69:12-13	Change “market” to “marketing” and delete the parenthesis before “search”	Transcription Error
110:10	Change “execute” to “executive”	Transcription Error
166:16-17	Change “wave” to “page”	Transcription Error
203:11-12	Change “of the” to “with a”	Transcription Error
205:23-25	Change “LogRhythm” to logarithm”	Typographical Error
216:15-16	Change “experiences” to “experience is” and Change “nav” to “nab”	Transcription Error
220:10	Change “joint” to “join”	Transcription Error
224:6	Change “tip” to “type”	Typographical Error
226:20	Change “there” to “they”	Transcription Error
242:25	Change “Bernston” to “Berntson”	Typographical Error
271:6	Change “in to” to “into your”	Transcription Error
378:24	Change “Bernston” to “Berntson”	Typographical Error
379:7	Change “Bernston” to “Berntson”	Typographical Error
382:12	Change “Bernston” to “Berntson”	Typographical Error
383:9	Change “Bernston” to “Berntson”	Typographical Error
384:14	Change “Glen Bernston” to “Glenn Berntson”	Typographical Error
434:6	Change “set” to “itself”	Transcription Error
434:10-11	Delete “an”	Transcription Error
493:4	Change “fill” to “file”	Transcription Error
517:1-2	Insert “what” before “might”	Transcription Error
518:9-10	Change “in a posit” to “inapposite”	Typographical Error
546:20	Change “FUD, here, fear, uncertainty doubt” to “FUD, Fear, uncertainty and doubt”	Transcription Error
585:1	Insert “showing” after “IP”	Transcription Error
595:12	Change “analysis” to “analyses”	Typographical Error
607:17-18	Insert comma between “is” and “is”	Transcription Error



JONATHAN HOCHMAN

Aug 17, 2022

DATE